THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 21564 of 2006

Dated: 13.4.2007

Between:

V.Veeraswamy

.... PETITIONER

AND

The Depot Manager, APSRTC,
Karimnagar-I Depot,
Karimnagar

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 21564 of 2006

Order:

The petitioner is working as a conductor in the respondent-APSRTC. He was issued with a charge sheet dated 28.12.1996 alleging cash and ticket irregularities. The petitioner submitted his explanation dated 15.1.1997 denying the charges alleged against him. Having not satisfied with the explanation, an enquiry was ordered. The enquiry officer submitted his report dated 1.3.1997 holding that the charges leveled against the petitioner were proved. Without issuing a show cause notice and without calling for objections of the petitioner, the respondent issued a final order imposing the penalty of deferment of annual increments for a period of two years with cumulative effect. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that respondent without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a period of two years with cumulative effect. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering

the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.*
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> *The writ petition is accordingly disposed of. There shall be no order as to costs."*

Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 19.3.1997, passed by the sole respondent, imposing punishment of deferment of annual increment for a period of two years with cumulative effect, is modified to that of deferment of annual increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 13.4.2007
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THE HON'BLE SRI JUSTICE N.V. RAMANA

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